

Onyx Dkt No. ONYX1047.DIV
USSN: 10/669,768
PATENT

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)	
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, United States Patent and Trademark Office, (Fax No. 571-273-8300) on the date indicated.	
<u>Gary R. Fabrin</u> Signature	<u>16 April 2007</u> Date of Transmittal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Shen, Y., et al.	Confirmation No. 8135
Serial No.: 10/669,768	Art Unit: 1633
Filing Date: 24 September 2003	Examiner: M. Marvich
Title: ADENOVIRUS E1B-55K SINGLE AMINO ACID MUTANTS AND METHODS OF USE	

RESPONSE TO FINAL REJECTION AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the final Office action in the above-referenced application, mailed 14 December 2006. The response date with no extensions was 14 March 2007. The response date with one extension is 14 April 2007, Saturday; accordingly, the response date with one month extension is 16 April 2007. A Petition for Extension of Time (for one-month) accompanies this response. Authorization to charge to Deposit Account No. 15-0615 for the required fee for the extension of time accompanies this paper in the petition. No additional fees are believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee.

Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

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Introductory Comments

I. Summary of the Office Action.

In the final Office action, mailed 14 December 2006, the Examiner asserted the following rejections:

The Examiner rejected claims 14, 16, 17, 29-32, and 41-47 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, asserting that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner has rejected claims 14, 16, 17, 29-32, 32 [sic], 33, 35-47 under 35 U.S.C. §112, first paragraph, asserting that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected to make and use the invention commensurate in scope with the claims.

These rejections are believed to be overcome by the amendments presented herein and are traversed for reasons of record in the present application.

II. Overview of the Amendments to the Claims.

Claims 11-14, 16, 17, and 24-47 are pending in the application. Claims 11-13, 24-28, and 34 are allowed. Claims 14, 16, 17, 29-33, and 35-47 are rejected.

The limitation of allowed claim 34 is introduced by amendment into the base claim from which it depends (i.e., claim 33). Accordingly, applicants believe that claims 33, and dependent claims 35-40 are now allowable.

Claims 14, 16, 17, 29-32, 34, and 41-47 are cancelled by this amendment. Cancellation or amendment of these claims is not intended to be an acquiescence in the Office's assessment of those claims in the final Office action, mailed 14 December 2006, and applicants expressly reserve the right to bring the subject matter of the original claims again in a subsequent, related application.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.